UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,960	02/13/2002	Rituraj Kirti	50325-0633	9241

29989   7590   08/09/2005

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER
NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/075,960	KIRTI ET AL
	Examiner	**Art Unit**	
	Van Kim T. Nguyen	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                                       Paper No(s)/Mail Date. _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5)☐ Notice of Informal Patent Application (PTO-152)
   Paper No(s)/Mail Date *6/28/02; 10/21/02*.   6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Farrell et

al (US 6,751,663), hereinafter Farrell.

Regarding claims 1, 10, 18, and 19-21, as shown in Figures 1-32, Farrell discloses:

configuring the network management system (10) to acquire data from a plurality of

network devices (12) based on a user-definable operational specification (e.g., accounting policy

specified by the user; col. 2: lines 28 – col. 4: line 46, and col. 22: lines 35-54);

querying the network devices for data (collecting data) to form a set of acquired data

(accounting configuration) in accordance with the operational specification (col. 2: line 28 – col.

3: line 28);

transforming the acquired data to form a set of transformed data (normalized record,

NARs) in accordance with the operational specification (e.g., raw accounting information

specific to the device type are collected and converted into normalized records; col. 2: lines 47 –

col. 3: line 58);

storing the transformed data (normalized records, NARs) to an information base to form a

set of stored data in accordance with the operational specification (col. 2: lines 47 – col. 3: line

58);

aggregating the stored data to form a set of trending data by performing at least one

arithmetic aggregation on the stored data, wherein the arithmetic aggregation is specified by the

operational specification (e.g., summarized related information form the received NARs across

the accounting network arrangement 10, col. 4: lines 15-30).

Regarding claims 3 and 12, Farrell also discloses the operational specification including a

scheduling block (configuration file) to direct the network management system to operate at a

preset point in time (e.g., period of time determined by the configuration profile's event-based

counter of timer; col. 15: lines 35-46, and col. 17: lines 41-46).

Regarding claims 4 and 13, Farrell also discloses using a network communication

protocol (e.g., push/pull model, TCP/IP) that is defined in the operational specification (e.g.,

accounting policy) for each of the network devices (col. 3: line 59 – col. 4: line 15, and col. 6:

lines 51-65).

Regarding claims 5 and 14, Farrell also discloses performing at least one arithmetic

transformation on the acquired data (e.g., NAR_SEQ_NUM is monotonically increasing),

wherein the arithmetic transformation is specified by the operational specification (col. 11: lines

11-40, and col. 12: lines 26-41).

Regarding claims 6 and 15, Farrell also discloses monitoring the acquired data, the

transformed data and the stored data for compliance with at least one threshold criterion

specified by the operational specification (e.g., collects and compares the newly populated NARs

to NARs currently stored to determine if there are multiple instances of the same object; col. 16:

lines 3-20).

Regarding claims 7 and 16, Farrell also discloses generating a notification (e.g.,

confirmation or acknowledgement) when any of the acquired data, the transformed data and the

stored data complies with the threshold criterion (col. 17: lines 61-66).

Regarding claim 8, Farrell also discloses aggregating the stored data to form a set of

trending data by performing at least one arithmetic aggregation on the stored data, wherein the

arithmetic aggregation is specified by the operational specification (e.g., discarded nonmatching

objects, col. 17: lines 3-20).

Regarding claims 9 and 17, Farrell also discloses removing a quantity of the stored data

from the information base in accordance with information in the operational specification (e.g.,

unmatched accounting entity ID descriptors are discarded; col. 17: line 3-20).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farrell as applied to claim 1 above, in view of Harry Newton (Newton's Telecom Dictionary,

February 2001, page 781).

Farrell discloses substantially all the claimed limitations, including the Internet service

providers analyze available data in order to offer differentiate service offerings to different users

(col. 5: lines 13-34), and the remote user may check e-mail, look at a web server and transfer a

file (col. 7: lines 36-40).

However, Farrell does not explicitly calls for the operational specification defined in an

Extensible Markup Language (XML) File.

Newton teaches *"XML, a new specification being developed by the W3C. XML is a*

pared-down version of SGML, designed especially for Web documents. It enables designers to

create their own customized tags to provide functionality not available with HTML, ...,

companies are seizing upon the ability of XML to allow structured exchanges of data between

machines attached to the Web."

Since XML is an open standard structure enabling one web server talk to another to

quickly swap data, such as pricing, stock-keeping numbers, transaction terms and product

descriptions, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the operational specification is XML format, motivated by the

desire to allow users the flexibility of retrieving/exchanging data from different web servers.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER